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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,653	03/14/2001	Ahmet Mursit Eskicioglu	RCA 89131	7330

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EXAMINER

DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. A response was received on 30 January 2006. By this response, no claims have been amended, added, or canceled. Claims 1-4 and 6-17 are currently pending in the present application.

#### ***Response to Arguments***

2. At least partially in light of Applicant's arguments, a requirement for election of species has been deemed necessary. Specifically, in reference to Claim 1 and its dependents, Applicant argues that the cited prior art does not disclose a public key shared among a plurality of service providers. Conversely, in reference to Claim 7 and its dependents, Applicant argues that the cited prior art does not disclose a respective public key associated with each of a plurality of service providers. As noted below, it is clear that these two embodiments are mutually exclusive; there can either be one shared public key or several individual public keys. These arguments, combined with the analysis below, suggest that further prosecution of the two species would be divergent, placing an undue burden on the Examiner. Therefore the requirement for election of species, as set forth below, is proper.

***Election/Restrictions***

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species A, a conditional access system using a global public key shared by all service providers, see page 2, lines 9-11 of the present specification; and

Species B, a conditional access system using multiple public/private key pairs, see page 2, lines 12-14 of the present specification.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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4. The claims are deemed to correspond to the species listed above in the following manner:

Species A: Claims 1-4, 6, and 15-17

Species B: Claims 7-14.

The following claims are generic: NONE.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The distinguishing feature between the two species are the shared global public key of Species A and the multiple individual public keys of Species B. These two embodiments are mutually exclusive; the claimed methods cannot use both simultaneously but must choose one option or the other. Therefore the species lack corresponding special technical features.

6. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER